

## **REMARKS**

The above amendments and these remarks are responsive to the Office action dated November 16, 2006. Claims 1-3 are pending in the application. Claims 1-3 are rejected. By way of the present amendment, claim 1 is canceled, claims 2 and 3 are amended, and new claims 4-7 are added. In view of the amendments above, and the remarks below, Applicant respectfully requests reconsideration of the rejected claims under 37 C.F.R. § 1.111.

### ***Objections to the Claims***

Claims 1-3 are objected to due to informalities in the claims. Without acknowledging the propriety of the Examiner's objections, Applicant has amended the claims in order to more particularly define the invention.

The Examiner suggests that:

Claim 1 fails to provide sufficient antecedent basis for the claim elements “the stack,” “the force,” “the pre-tensioned back,” “the relaxed state,” and “the back.”

In claim 1, line 1, “etc.” should be replaced with “other materials”.

In claim 1, line 2, “one-piece or multipart” which makes the claim indefinite because it is unclear whether the clip needs to be a one-piece clip or a multipart clip.

In claim 1, between lines 2 and 3, “the same or different” makes the claim indefinite because it is unclear whether the limbs need to be the same or different.

In claim 1, between lines 3 and 5, the phrase “by these alone or by means of projections incorporated into them and the force of the pre-tensioned back” makes the claim indefinite because it is unclear whether the limbs alone hold the sheets of paper with the force of the pre-tensioned back or the limbs alone hold the sheets of paper or the sheets of paper are held by

means of projections incorporated into them and the force of the pre-tensioned back.

In claim 1, between lines 5 and 6, the phrase “one-piece triangular or trapezoidal or semicircular or semielliptical” makes the claim indefinite because it is unclear whether the clip needs to be triangular or trapezoidal or semicircular or semielliptical.

In claim 1, line 9 between lines 9 and 10, the phrase “an acute or obtuse angle” makes the claim indefinite because it is unclear whether the angle needs to be acute or obtuse.

In claim 1, between lines 10 and 11, the phrase “consists of metal or high-strength plastic or wood or compressed cellulose” makes the claim indefinite because it is unclear whether the clip is made of metal or high-strength plastic or wood or compressed cellulose or a combination thereof.

In claim 1, between lines 2 and 3, the phrase “the same or different” makes the claim indefinite because it is unclear whether the limbs need to be the same or different.

In claim 2, there is insufficient antecedent basis for “the state” in the second line.

In response to these objections, the Applicant has canceled claim 1, and added new claim 4. New claim 4 has been drafted to address the issues identified by the Examiner, and Applicants respectfully suggest that the Examiner's objections to claims 1-3 are thereby overcome.

Claims 2 and 3 are amended to depend from new claim 4.

New claims 5-7 are added, corresponding to subject matter originally presented in claim 1 as filed.

In view of the above amendments, Applicant respectfully suggests that the objections to claims 1, 2, and 3 be withdrawn.

***Rejections under 35 USC § 102***

Claims 1-3 are rejected under 35 USC §102(b) as being anticipated by Rappa (U.S. Patent No. 4,283,869). The Examiner suggests that the cited reference teaches the clip for clamping stacks of sheets of claims 1-3. Although claim 1 has been canceled, Applicant respectfully suggests that the subject matter of new claim 4 is not anticipated by Rappa.

The present application is directed to a clip for clamping sheets of paper, plastic, metal, and other materials at the sheet corners or sides. The clip of claim 4 is U-shaped, and includes a pretensioned back configured to apply a force to the limbs. The limbs include an inward fold of less than 90 degrees.

Rappe discloses a portable chartholder and table, that "consists of two flat, rigid, transparent viewing surfaces, held together, and separable, by means of manually operable securing and release mechanisms" (col. 2, lines 5-8). In addition, the chartholder of Rappe includes a plurality of "slip-resistant supporting and cushioning devices" to prevent the chartholder from slipping, or from scratching or marring a surface on which the chartholder may be placed (see col. 2, lines 22-48).

However, the combination chartholder and table is neither U-shaped, nor is it a clip in any conventional sense of the word. The Examiner has failed to identify a pretensioned back that applies a force to the viewing surfaces. In addition, none of the views provided by Rappe discloses an inward fold on either of the viewing surfaces.

In order to anticipate the claimed subject matter, a reference must disclose each and every element of the claim. Since the Rappe reference fails to disclose each and every element of claim 4, Applicant respectfully suggests that the Rappe reference fails to anticipate the subject matter of claim 4. As claims 2, 3, and 5-7 depend from claim 4, Applicant suggests they are similarly

not anticipate by Rappe.

In view of the above amendments and remarks, the Applicant respectfully requests the withdrawal of the rejection of claims 1-3 under 35 U.S.C. § 102(b).

Claim 1 is rejected under 35 USC §102(b) as being anticipated by Noda et al. (U.S. Patent No. 6,725,508). The Examiner suggests that the cited reference teaches the presently claimed clip for clamping stacks of sheets. Applicant respectfully disagrees.

The clip of claim 4 includes two limbs and a pre-tensioned back to apply a force to the limbs, where the limbs are parallel to each other in a relaxed state and each limb includes a small inward fold of less than 90 degrees.

In contrast, the various clips disclosed by Noda et al. exhibit an *outward* fold at the end of one of the support elements, and a press element that either extends from the support element, or is folded inward by a fold of more than 90 degrees. In none of the clips of Noda et al. does a support element include an inward fold of less than 90 degrees.

Although the rejection of claim 1 is rendered moot, as Noda et al. fails to disclose each and every element of claim 4, Applicant suggests that the subject matter of claim 4 is also not anticipated by Noda et al. As claims 2, 3, and 5-7 depend from claim 4, Applicant suggests they are similarly not anticipated by Noda et al.

Applicant further suggests that it would be improper to rely upon Noda et al. in formulating a rejection under 35 U.S.C. § 103. In particular, the clips of Noda et al. are intended to remedy perceived weaknesses in conventional clips. Specifically that where the angle defined between the press contact member and the papers is small, contact friction therebetween is decreased, and clipped papers readily fall out of the clip (see col. 1, line 7-27). The Noda et al.

reference therefore provides no incentive to prepare a clip having such a configuration.

In addition, Noda et al. specifically requires that press element 5 be folded beyond 90 degrees, so that an attempt to remove papers from the disclosed clip results in an increase in friction between the press element and the opposing support element, as depicted in Fig. 5 of Noda et al., and described at col. 4, lines 50-59. Noda et al. cannot therefore also suggest a fold of the press element of less than 90 degrees.

In view of the amendments and remarks above, Applicant respectfully requests the withdrawal of the rejection of claims 1-3 under 35 U.S.C. § 102(b).

It is now believed that the subject patent application has been placed in condition for allowance, and such action is respectfully requested. If the Examiner has any questions or concerns, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1540.

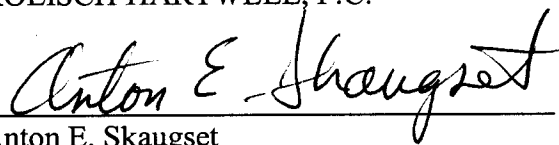
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